

ONE HUNDRED FOURTH LEGISLATURE - FIRST SESSION - 2015
COMMITTEE STATEMENT
LB265

Hearing Date: Friday February 27, 2015
Committee On: Judiciary
Introducer: Campbell
One Liner: Change provisions relating to juveniles and child welfare

Roll Call Vote - Final Committee Action:
Advanced to General File with amendment(s)

Vote Results:

Aye:	7	Senators Coash, Ebke, Krist, Morfeld, Pansing Brooks, Seiler, Williams
Nay:		
Absent:	1	Senator Chambers
Present Not Voting:		

Verbal Testimony:

Proponents:
SEN. KATHY CAMPBELL
JULIE ROGERS
KIM HAWEKOTTE
JULIET SUMMERS

Representing:
INTRODUCER
INSPECTOR GENERAL OF CHILD WELFARE
FOSTER CARE REVIEW OFFICE
VOICES FOR CHILDREN

Opponents:

Representing:

Neutral:

Representing:

Summary of purpose and/or changes:

LB265 contains a number of provisions related to juveniles and child welfare.

Section 1 would provide access for the Office of Inspector General of Child Welfare to a videotape of a child witness or child victim describing sexual assault or child abuse.

Section 2 would require guardians ad litem to consult with a juvenile in his or her placement within two weeks of appointment and once every three months thereafter. This section would also require the guardian ad litem to prepare and submit written reports at every dispositional, review, or permanency planning hearing that include certain contacts and other relevant information. These reports would also be required to be submitted to the Foster Care Review Office (the Office) for any juvenile in foster care placement.

Section 3 would provide that any written findings and recommendations of the Foster Care Review Office or the designated local foster care review board (local board) regarding a juvenile in foster care placement shall be admitted into evidence without being offered by a party of record in any proceeding concerning such juvenile.

Section 4 would permit the Foster Care Review Office or local foster care review board to participate in a foster care placement dispositional order review hearing. This section would also provide that any findings submitted by the Office or local board shall be admitted into evidence without being offered by a party of record. This section would also provide immunity from civil liability for any agent or employee of the Office or local board.

Section 5 would require a probation officer to disseminate confidential record information to the Office of Inspector General and the Foster Care Review Office.

Section 6 would expand the definition of foster care placement for purposes of the Foster Care Review Act and includes the newly defined term "trial home visit."

Section 8 would require the report made to the registry of foster care placements to be made weekly instead of monthly. This section would also make minor changes to the information to be included in the report. This section would allow the Office to promulgate rules and regulations for the accumulation of data and making of quarterly reports.

Section 10 would provide that if child-specific or family-specific mental or behavioral health services are discussed at a local board meeting, that meeting shall be exempt from the Open Meetings Act.

Section 11 would clarify that the Department of Health and Human Services and the Office of Probation Administration are required to provide records to the Office or local board upon request.

Section 12 provides that the recommendations of the Office or a local board shall be admitted into evidence without being offered by any party of record in a foster care placement dispositional order review hearing.

Section 13 states the Legislature's intent to create a data warehouse and analysis pilot project within the Office.

Section 15 authorizes the Inspector General to be allowed under a court order to receive otherwise confidential information.

Section 16 redefines the types of deaths and serious injuries that the Inspector General shall investigate.

Explanation of amendments:

AM878 removes a number of provisions from LB265 that were amended into other bills and incorporates language from LB13 and LB25 related to juveniles and child welfare.

Sections 1 and 3 of AM878 would clarify that the juvenile court has concurrent original jurisdiction until January 1, 2017 with the county or district court as to a juvenile alleged to have committed a misdemeanor. This amendment does not change the existing law that the juvenile court will have exclusive original jurisdiction over these cases beginning January 1, 2017.

Section 2 would define a "young adult" as an individual older than eighteen but under twenty-one years of age. Sections 4 and 5 would extend the juvenile court's jurisdiction to young adults alleged to have committed a criminal or status offense that were eighteen years of age or younger at the time the offense was committed. The young adult must consent to the court's extended jurisdiction for the purposes of continuing services or treatment. The court's jurisdiction may be extended up to six months at a time and the treatment and services to be provided must be specified by court order. Section 4 would require the juvenile court to initiate proceedings to seal its records upon termination of its jurisdiction.

Section 6 would permit the Foster Care Review Office or local foster care review board to participate in a foster care placement dispositional order review hearing. This section would also provide that any findings submitted by the Office or local board are admissible in the proceedings if provided to the other parties of record.

Section 8 would expand the definition of foster care placement for purposes of the Foster Care Review Act and includes the newly defined term "trial home visit."

Section 9 would expand the Foster Care Review Office's responsibility to provide information and direct

reporting to the Office of Probation Administration. This section also simplifies the process of appointing members of the Foster Care Advisory Committee.

Section 10 would require the report made to the registry of foster care placements to be made weekly instead of monthly. This section would also make minor changes to the information to be included in the report. This section would allow the Office to promulgate rules and regulations for the accumulation of data and making of quarterly reports. This section also provides that the Office may conduct a case file review or analysis regarding and state ward or ward of the court.

Section 11 would require a list of members of a local board that is already sent to the Department of Health and Human Services to also be sent to the Office of Probation Administration.

Section 12 would provide that if child-specific or family-specific mental or behavioral health services are discussed at a portion of a local board meeting, that portion of that meeting shall be exempt from the Open Meetings Act.

Section 13 would require the Department of Health and Human Services to provide records to the Office or local board upon request and the Office of Probation Administration to provide records to the Office or local board upon court order.

Section 14 provides that the recommendations of the Office or a local board are admissible into evidence in a foster care placement dispositional order review hearing if provided to all other parties of record.

Section 15 would create the Out-of-Home Data Pilot Project to demonstrate how existing state agency data systems can be used to create an independent, external oversight data warehouse. The project would be administered by the Foster Care Review Office under the supervision of the Out-of-Home Data Pilot Project Advisory Group.

Section 17 would set aside ten percent of the General Fund appropriation, excluding administrative costs, to the Community-based Juvenile Services Aid Program to develop a common data system to assess the effectiveness of the program. This section would prescribe the share of funds to be allocated for development of the system and evaluation of the data.

This section would also require aid recipients to submit an annual electronic report with individual and program level data specified in the statute and in rules to be promulgated by the Nebraska Commission on Law Enforcement and Criminal Justice. Developing data collection and reporting practices and analysis of the data is to be conducted by the University of Nebraska at Omaha Juvenile Justice Institute.

Les Seiler, Chairperson